

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, AUGUST 2, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, August 2, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present (via phone)
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; Parks & Recreation Director Steve Moore; and Public Works Director Glenn Whitcomb.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Mia Gomez sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

1. Regular City Commission Meeting – July 19, 2010.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Denizac to adopt the minutes of the Regular City Commission Meeting of July 19, 2010 as presented.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Additions or Deletions to Agenda: None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentations – Quarterly Board Reports of City Advisory Board/Committees.

- **Economic Development Advisory Board – Written Report Only.**
- **Planning & Zoning Advisory Board – Written Report Only.**
- **Williams S. Harvey Scholarship Selection Committee – Written Report Only.**

B. Presentation – Certificates of Appreciation - Commissioner Janet Deyette.

Mayor Mulder presented Certificates of Appreciation to Commissioner Deyette in recognition of valuable contributions to the Volusia County Metropolitan Planning Organization (MPO) as a member of the Executive Committee and Budget Subcommittee.

C. Presentation – Certificate of Recognition from the U.S. Census Bureau.

Jose F. Martínez-Garriga, JD, Partnership Specialist for the U.S. Census Bureau presented Mayor Mulder with a Certificate of Recognition recognizing the City of Deltona as a valued partner and offered appreciation for the City's support in raising awareness of and inspiring participation in the 2010 Census. The City's efforts to help achieve a complete and accurate census count have made a lasting impact on the nation.

D. Proclamation - Florida Water Professionals Week- August 16-20, 2010.

Mayor Mulder presented the proclamation to Public Works Director Glenn Whitcomb proclaiming August 16 – 20, 2010 as Florida Water Professionals Week.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

- a) Steve Campbell, 1522 Gainesville Dr., spoke regarding the City installing a fence on the 60 foot corner of his property to eliminate noise from the Fire Department and that he would maintain the fence.
- b) Althea Ross Charles and Cecil Walker, 2329 California Dr., spoke regarding their positions with the Boys & Girls Club of Volusia/Flagler County and their mission to enable and inspire all young people to be productive and responsible individuals. Mr. Walker spoke regarding several programs that are offered which incorporate good moral values.
- c) Bill Kessler, 1771 Providence Blvd. retracted his statement from the last meeting regarding running for Mayor and he spoke regarding the need for taxes to be reduced, the additional senior tax exemption and the rates being charged by power companies.
- d) Mike Johnson, 1986 Hunter Ave., spoke regarding alleged lies by staff, Commissioners interfering with the day to day operations at City Hall, Commissioners using their position for personal gain and the Butterfly Day Care Center project.

- 1 e) Mark Shukwit, 2776 Fayson Circle, spoke regarding the issue he is having with his increasing
2 water bill which occurred after a new meter was installed.
3
- 4 f) Mathew Armon, 3140 Cabot Court, spoke regarding his volunteer hours in the City, remarks made
5 by the Commission which he found inappropriate, residents not thinking Deltona is one of the top
6 25 ranked places to live, code enforcement being nonexistent, no jobs in Deltona and nothing for
7 teens to do in the City.
8
- 9 g) Steven Franco, 2775 Fayson Circle, spoke regarding the issue he is having with his increasing
10 water bill from \$25 a month to \$150 a month and the lack of an option to make payments on the
11 water bill. He stated he would let people know that they can attend a City Commission Meeting to
12 voice their opinions.
13
- 14 h) Jacinto Garcia, 2970 Irondale St., thanked Nancy Schleicher for the invitation to the Deltona Hob
15 Nob even though he was unable to attend the event. He spoke regarding putting up his own
16 money for his campaign, his campaign signs allegedly being stolen and how he has ideas for
17 getting residents working again in Deltona.
18
- 19 i) Captain David Brannon, Volusia County Sheriff's Office, reminded residents of National Night
20 Out, Tuesday, August 3rd at 5:30 p.m. which is a community awareness program that helps
21 educate people on crime prevention, the neighborhood watch program and to bring attention and
22 awareness to things people can do in their neighborhoods and their residences to reduce crime,
23 look out for each other and to make Deltona safer.
24

25 **7. CONSENT AGENDA:**
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27 Commissioner Denizac asked to pull Consent Agenda Item 7-A.
28

29 **A. Request approval of the Long Term Facility Use Agreement renewal with the Boys &**
30 **Girls Club of Volusia/Flagler Counties.**
31

32 Commissioner Denizac stated at the last City Commission Meeting she stated she did not want this
33 program in her district and all that had changed was the name. She stated these types of programs
34 cannot be held at a facility with three (3) and four (4) year old children and Harris M. Saxon Park
35 is not a good fit.
36

37 Mr. Joe Sullivan, Chief Professional Officer of the Boys & Girls Club, stated the program is only
38 targeted toward middle school youth and will have certain risk factors like missing a certain
39 amount of school days or failing two (2) or more subjects. One of the issues with this club is the
40 need for some evening time and the program will target 30 kids from Galaxy Middle School and
41 possibly Heritage Middle School. The club has not been able to reach the teens in Deltona like it
42 has in other cities and this is not the same program as the Henkel and McCoy program which
43 targeted 16 to 21 year olds. This is a prevention program and all the kids in the program will be in
44 school.
45

46 David Kerr with the Volusia County Probation Office stated in some definitions an "at risk" kid is
47 someone who is between the age of 12 and 17 and that age group in certain environments is at risk
48 to enter into the juvenile justice system. The kids being targeted have never been in the juvenile

justice system, often have single parents, have a low household income but, are living in an environment where there are high numbers of referrals for juvenile offenses.

Commissioner Zischkau stated the issue Commissioner Denizac raises has more to do with mixing different age groups and that is still going to occur regardless of how "at risk" is defined. He stated the Commission was presented with a contract to approve with the amount of payment left blank and he felt the Commission needed to hear how the blanks would be filled in and Mr. Moore replied there is no fee.

Mayor Mulder stated Harris M. Saxon Park was built and funded because the Commission identified that area as an "at risk" area. He stated he is excited about the program because the City does not have a program that is designed to target middle school kids and there has never been an opportunity for a program like this. He stated he thinks it would be a mistake to pass up the program and he trusts the Boys and Girls Club as a national organization with a reputation to exercise the kind of discretion as to what programs can be mixed together and which ones cannot.

Vice Mayor McFall-Conte stated she would be proud to have the program in Deltona and she is proud that before budget cuts Deltona was the only City to have two (2) clubs. She stated she wants to prevent 12 and 13 year olds from having to participate in a program like Techbridge. She stated a few years ago Kang Liu was the only person from the Boys and Girls Club Volusia/Flagler to receive the Youth of the Year Award twice and he was from the Deltona club.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Denizac to approve the Long Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties for use of the Harris M. Saxon Park facility for a period of one year, with the option for a total of three one-year renewals upon written agreement of both parties.

Commissioner Denizac asked for a different letter from the Boys and Girls Club Volusia/Flagler than what was in the agenda packet because what was in the letter and what they explained verbally are two (2) different things and she suggested the program take place at Wes Crile Park.

Vice Mayor McFall-Conte asked if the program would be interacting with two (2) and three (3) year olds and Mr. Sullivan replied the age groups are kept separate and there will not be any interaction by those age groups.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 08-2010, Amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank that provides for payment into a tree fund under certain circumstances, at first reading.

The public hearing was opened and closed as there were no public comments.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve to adopt Ordinance No. 08-2010, an Ordinance of the City of Deltona, amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank and providing for payment into a tree fund under certain circumstances, at first reading.

Commissioner Denizac stated on Page 2 it stated “the proposal includes an ability to plant trees on private lands along right-of-ways with the owner’s permission” and on Page 51, Section B, it stated “either on public or private property”. She stated she will not support the planting of trees on private land.

Mr. Cooney stated the paragraph originally as written did not include the “private property” language and was added at the request of the Planning and Zoning Advisory Board. He stated the reason the request was made was to allow the City in the event there was not enough room in the right-of-way to approach property owners to obtain an easement from the property owner in order to plant trees along the right-of-way.

Commissioner Treusch asked if the maintenance of the trees included irrigation and if so, does it include the well if it is needed.

Commissioner Denizac suggested in the motion where it states “under certain circumstances” the circumstances be defined and on Page 51, Section B, it stated “in the event the applicant finds it difficult”, the level of difficulty needed to be defined and identified.

Commissioner Carmolingo asked what the City’s liability would be by planting trees on private property even if it obtained the easement and one of the trees causes damage to property due to a hurricane. Mr. Cooney replied the City does not have a liability because it planted a tree necessarily but, the City may end up with a liability with trees in the rights-of-way if the City knows the tree is diseased, damaged or subject to being easily destroyed.

Mr. Cooney read the title of Ordinance No. 08-2010.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 98-35 OF THE CODE OF ORDINANCES, CITY OF DELTONA, FLORIDA PERTAINING TO A TREE BANK; PROVIDING FOR PAYMENT INTO A TREE FUND UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Cooney stated his understanding is that he will be making changes to include more definitive terms for what is “difficult”, providing for the notion of private property with easements and providing a notion of what would be included in the term “maintenance”.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

Ordinance No. 08-2010 was adopted at first reading at 7:45 p.m.

B. Public Hearing – Resolution No. 2010-24, Approving the Community Development Block Grant (CDBG) Third Year Action Plan for FY 2010/2011.

The public hearing was opened and closed as there were no public comments.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to approve the Community Development Block Grant Annual Action Plan FY 2010/2011 for submittal to HUD and subsequent resolution.

Commissioner Denizac asked how difficult it is to get a list of all the areas under the Community Development Block Grant (CDBG), specifically which parks. Mr. Bowley replied there are eight (8) parks that fall under CDBG and he listed them.

Commissioner Denizac asked if Wes Crile Park was one of the parks that fell under CDBG and Mr. Bowley replied it is next to the CDBG area but, Wes Crile falls under the same criteria as Thornby Park. He stated the City is able to do different strategies outside the target area as long as the City is providing for enhancements to facilities outside the target area that meet the national objective then the City can spend outside the target area. These enhancements include things like handicapped accessibility or ADA compliance.

Mayor Mulder asked if the funding for the improvements at Harris M. Saxon Park was coming from CDBG and Mr. Moore replied CDBG funds have been utilized in a phase concept. Phase one (1) was to deter vandalism and graffiti that is going on in the neighborhood by installing an iron fence, phase two (2) will be upgrading and enhancing the landscaping and in phase three (3) staff will be looking into some funding to be able to install cameras and solar lighting. He stated not all the phases have a funding source identified and are CDBG related.

Ms. Miller stated the \$155,000 for enhancements to Wes Crile Park and \$44,000 for enhancements to Harris M. Saxon Park was brought before the Commission and was approved by the Commission. She stated Wes Crile Park is not in a CDBG target area but, because it serves the population of a CDBG target area that surrounds the park, 70% of the income target area, it is a usage that provides services to that community and is eligible under CDBG funding.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	For
Vice Mayor McFall-Conte	For
Mayor Mulder	For

C. Public Hearing - Resolution No. 2010-19, Establishing Annual Rate of Assessment for Solid Waste Services for FY 2010/2011.

The public hearing was opened and closed as there were no public comments.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Treusch to approve Resolution No. 2010-19, Annual Rate Resolution - Solid Waste Assessments for FY 10/11 to provide for continuing the current annual rate of \$132.00 for solid waste collection services.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, Against; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

D. Public Hearing - Resolution No. 2010-18, Establishing Annual Rate of Assessment for Stormwater Utility Services for FY 2010/2011.

The public hearing was opened and closed as there were no public comments.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to approve Resolution No. 2010-18, Annual Rate Resolution - Stormwater Utility Assessments for FY 10/11 at the current rate of \$76.11 per Equivalent Residential Unit (ERU).

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, Against; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

E. Public Hearing - Resolution No. 2010-20, Establishing Annual Rate of Assessment for Streetlighting Services for FY 2010/2011.

The public hearing was opened and closed as there were no public comments.

Motion by Commissioner Treusch, seconded by Commissioner Carmolingo to approve Resolution No. 2010-20, adopting the current rate for Streetlighting Assessments for FY 10/11.

Commissioner Zischkau asked why the Sullivan Street Streetlighting District was not included and Mr. Cooney replied because the district was recently adopted he had checked with the tax collector's office who stated the Sullivan Street Streetlighting District would automatically be included.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, Against; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

9. OLD BUSINESS: None.

10. NEW BUSINESS: None.

11. CITY COMMISSION COMMENTS:

- a) Commissioner Deyette asked when there will be a ground breaking for the new Fire Station located on Howland Blvd. and Ms. Miller replied staff had not planned a formal ground breaking because there was a ground breaking of the whole property.
- b) Commissioner Deyette stated Lyonia Preserve had an item in the paper where people can preregister for hikes and programs throughout the month of August such as a sunset stroll and she supplied the phone number for anyone who was interested.
- c) Commissioner Deyette thanked the public safety departments because last Wednesday there was a horrible storm, there were a dozen sheriff's cars going down I-4 and later she found out that there had been a double shooting, firefighters were fighting four (4) house fires, there was a pediatric trauma alert, a hazmat call and a motor vehicle accident. She stated she just wanted the citizens to know all the great things the safety departments are doing.
- d) Commissioner Deyette urged everyone to come out to National Night Out, Tuesday, August 3rd at 5:30 p.m. where residents can get tips and handouts on how to keep safe.
- e) Commissioner Carmolingo stated he brought his car to the new car wash on Howland Blvd. and the youngsters working there pulled out items from 2007 from under his seats.
- f) Commissioner Carmolingo stated he attended the Volusia League of Cities Dinner in the City of Pierson where the required dress was cowboy hats and boots which he did not wear. He stated he was nominated as Secretary/Treasurer for the League of Cities of Volusia County.
- g) Commissioner Carmolingo stated the reason he had to leave the Commission Chambers was to answer his cell phone because his son was calling from Lexington, Kentucky letting him know that his son's wife gave birth to his granddaughter about an hour ago.
- h) Commissioner Denizac stated she would like a follow up on the stormwater issue on Elkcarn and Howland Blvds. She stated she realizes this is a County road and the County is aware of the situation but, the area intersection is an accident waiting to happen. She stated staff needed to push the County along before something really bad happens in that area.
- i) Commissioner Denizac stated she had been very passionate tonight and speaking with a lot of conviction because for the last five (5) years she has been advocating for parks in District #1 and most of the advocacy has fallen on deaf ears. When it comes to what she represents and what she is advocating, it is like she has to beg and crawl and it should not be that way. She stated she thinks each member of the Commission represents a district and the Mayor represents the entire

City. She stated she thinks she is entitled and her district is entitled to fair treatment and she expects better.

j) Commissioner Treusch stated staff has been trying to come up with a vehicle or chair to use at Lyonia Preserve and at Thornby Park for the handicapped. Last week the City received a chair but, it was dangerous to someone who was not handicapped so staff is still in the process of trying to find a chair to use.

k) Commissioner Treusch thanked staff for getting the rumble sticks done at the intersection of Humphrey and Newmark Blvds. so quickly because he knows it has made a difference.

l) Commissioner Treusch stated he also enjoyed the new car wash on Howland Blvd. and he does not think there is another one around like it. He stated the facility is really nice and he suggested everyone go try it.

m) Commissioner Treusch stated he cannot stress enough how important it is for residents to recycle because it provides scholarship money for the students of Deltona and the more residents recycle, the more scholarship money the City gets, the more students the City can help. He suggested if anyone needed recycling bins to call Waste Pro who will deliver them to their home and the items placed in the bins do not need to be separated. He stated once the recyclables are on the curb they belong to the City and if anyone sees them being taken by anyone other than Waste Pro they need to contact the sheriff's office.

n) Commissioner Treusch stated he would like to put to rest the issue at 1522 Gainesville Drive owned by Mr. Campbell. He stated the property is right behind the fire station, it is noisy in the middle of the night and the City should install a fence half way down the property line.

Motion by Commissioner Treusch, seconded by Commissioner Carmolingo to complete the remaining 60 feet of fencing at 1522 Gainesville Drive which is to be maintained by the property owner.

Commissioner Denizac suggested delaying the item to the next meeting until staff could provide a cost for the fence and its installation. Ms. Miller replied \$1,000 is a good estimate.

Commissioner Denizac suggested that the cost not exceed \$1,200 and the Commission concurred.

Ms. Miller stated staff will need Mr. Campbell's survey again and the fence would have to be on Mr. Campbell's actual property and not the County's property.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For

Mayor Mulder

For

- o) Vice Mayor McFall-Conte stated last week it was announced that the first grocery store in Deltona is closing, Winn Dixie on Deltona Blvd. which is definitely not good for the Deltona Plaza. She stated she thinks this is a prime opportunity to work with the plaza owner to see what can be done to redevelop the plaza because it is going down a main gateway to the City and there are very few things left in the plaza.
- p) Vice Mayor McFall-Conte stated in the past five (5) years this Commission has improved their relationship with the County especially through the Joint Planning Area (JPA) and if both the Commission and the County Council agreed she would like to have a joint meeting to review the JPA, any issues coming before the Commission like the stormwater issue at the intersection of Howland and Elkcarn Blvds. and a review of issues that have been solved. She stated there are probably some Council Members from other parts of the County that need to know a little bit more about Deltona and it might be a good opportunity.

The Commission concurred to have staff try to arrange a joint meeting with the Volusia County Council.

Mayor Mulder suggested that Ms. Miller get with each Commissioner to see what things they would like to address at the joint meeting to help put together the agenda.

- q) Mayor Mulder stated regarding the water issue that was brought up, he has not spoken with staff so he does not know what specifically has gone on in that particular neighborhood where Fayson Circle is located. He stated a couple of years ago the Commission established a tiered water rate system but, there is nothing that jumps the water rate up by 400 to 600%. He stated the changes the Commission implemented had to be done to stay current with the City's bond requirements because there are certain requirements such as keeping a certain amount of income in the water department in order to stay in good standing with the lender. He stated sometimes the old analog meters slow down over a period of time and do not work properly and he will look into the situation.
- r) Mayor Mulder stated the senior tax exemption mentioned earlier will go out in the form of a check this year and will depend on what taxes were paid.
- s) Mayor Mulder stated he understands Mr. Johnson is a former employee and he does not know if this particular employee had asked for something but, if there is something outstanding due to him he would like that taken care of.
- t) Mayor Mulder stated he thinks National Night Out will be a wonderful event and he hoped to see as many people attend as possible.

12. CITY ATTORNEY COMMENTS:

Mr. Cooney stated at the last meeting the Commission authorized him to draft a moratorium ordinance for internet cafes which has been put together but, will need to be reviewed one more time and will hopefully be placed on the next agenda for the Commission to decide if this is something they want to do.

13. CITY MANAGER COMMENTS: None.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:24 p.m.

ATTEST:

Dennis Mulder, MAYOR

Joyce Kent, CITY CLERK